

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Faria Tasnim	Team: Squad #5	CCRB Case #: 201905712	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 06/27/2019 1:05 AM	Location of Incident: [REDACTED]	Precinct: 09	18 Mo. SOL 12/27/2020	EO SOL 8/13/2021	
Date/Time CV Reported Sat, 06/29/2019 12:02 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Sat, 06/29/2019 12:02 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Zachary Marsar	21741	959791	009 PCT
2. POM Ryan White	21178	951434	009 PCT
3. POM Thomas Doyle	02912	963969	009 PCT
4. Officers			009 PCT
5. An officer			009 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM James Murray	19869	933079	009 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Zachary Marsar	Abuse: Police Officer Zachary Marsar refused to provide his shield number to § 87(2)(b)	[REDACTED]
B.POM Thomas Doyle	Abuse: Police Officer Thomas Doyle refused to provide his shield number to § 87(2)(b)	[REDACTED]
C.POM Ryan White	Abuse: Police Officer Ryan White refused to provide his shield number to § 87(2)(b)	[REDACTED]
D.POM Zachary Marsar	Force: Zachary Marsar used physical force against § 87(2)(b)	[REDACTED]
E.POM Zachary Marsar	Abuse: Police Officer Zachary Marsar threatened to arrest § 87(2)(b)	[REDACTED]
F. An officer	Abuse: Police Officer James Murray threatened to arrest § 87(2)(b)	[REDACTED]
G.POM Zachary Marsar	Discourtesy: Police Officer Zachary Marsar spoke discourteously to § 87(2)(b)	[REDACTED]
H. Officers	Discourtesy: Officers spoke discourteously to § 87(2)(b)	[REDACTED]
§ 87(4-b), § 87(2)(g)	[REDACTED]	[REDACTED]
§ 87(4-b), § 87(2)(g)	[REDACTED]	[REDACTED]
§ 87(4-b), § 87(2)(g)	[REDACTED]	[REDACTED]

Case Summary

On June 29, 2019, § 87(2)(b) filed this complaint on the CCRB website.

On June 27, 2019, at approximately 1:05 a.m., in the vicinity of East 8th Street between Broadway and Lafayette Street in Manhattan, § 87(2)(b) got into a dispute with § 87(2)(b) who were attempting to park a truck in a garage at that location. § 87(2)(b) called 911 and reported both that the truck had struck him and that a § 87(2)(b) had struck him. Police Officers Zachary Marsar, Thomas Doyle, Ryan White, and James Murray, all from the 9th Precinct, responded to the scene. PO Marsar, PO Doyle, PO White, and PO Murray allegedly refused to provide their shield numbers to § 87(2)(b) (**Allegations A-D: Abuse of Authority, § 87(2)(g)**). After § 87(2)(b) asked the officers why he could not press charges against the § 87(2)(b), PO Marsar allegedly poked § 87(2)(b) four times with his fingers above § 87(2)(b)'s collarbone (**Allegation E: Force, § 87(2)(g)**). After § 87(2)(b) made a remark threatening at least one officer, and both PO Marsar and another officer told § 87(2)(b) that he could be arrested (**Allegation F: Abuse of Authority, § 87(2)(g)**; **Allegation G: Abuse of Authority, officer(s) unidentified**). Throughout the interaction, PO Marsar and other officers allegedly spoke discourteously to § 87(2)(b) (**Allegation H: Discourtesy, § 87(2)(g)**; **Allegation I: Discourtesy, § 87(2)(g)**). § 87(4-b), § 87(2)(g)

The investigation obtained video footage from a surveillance camera in the vicinity of the incident location (BR01).

The investigation did not obtain a statement from PO Murray, as he § 87(2)(b) was not cleared to be interviewed during the investigation (BR02).

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Zachary Marsar refused to provide his shield number to § 87(2)(b) –

Allegation (B) Abuse of Authority: Police Officer Thomas Doyle refused to provide his shield number to § 87(2)(b) –

Allegation (C) Abuse of Authority: Police Officer Ryan White refused to provide his shield number to § 87(2)(b) –

Allegation (D) Abuse of Authority: Police Officer James Murray refused to provide his shield number to § 87(2)(b) –

§ 87(2)(b) provided names and shield numbers for PO Marsar, PO White, and PO Doyle in his online complaint (BR03). The investigation was not able to determine how § 87(2)(b) obtained these names and shield numbers.

In his in-person statement, § 87(2)(b) recounted that after he explained his complaint to the officers, he individually asked four to six officers for their shield numbers. He could not recall his exact question, but believed he asked each officer, “Can I have your shield number?” or “Can I have your badge number?” § 87(2)(b) initially stated that three officers declined to provide their shield numbers. § 87(2)(b) later stated that at least one officer explicitly said “no” in response to his request (BR04). § 87(2)(b) also provided an incident report slip on which PO Marsar wrote his name but not his shield number (BR11).

The investigation found that PO Marsar, PO Doyle, PO White, and PO Murray were the only

officers who responded to this incident. § 87(2)(b) reported that another officer, PO Anthony Barone, provided him with a business card during the incident. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

PO Marsar recounted that he verbally stated his shield number to § 87(2)(b) at his request, and that he gave him a business card (BR05). PO Doyle also stated that he verbally gave his shield number to § 87(2)(b) (BR06). PO Marsar and PO Doyle both noted that besides themselves, the other officers who were present also stated their shield numbers in response to § 87(2)(b)'s question. PO Marsar further stated that he gave § 87(2)(b) a business card and an incident slip with his identifying information and believed that § 87(2)(b) may have taken photos of the officers' shields. PO Doyle stated that he observed § 87(2)(b) write down the officers' shield numbers on a piece of paper. PO White stated that § 87(2)(b) did not ask him for his shield number at any point during the interaction, and could not recall whether § 87(2)(b) asked any of the other officers (BR07).

§ 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation (E) Force: Police Officer Zachary Marsar used physical force against § 87(2)(b)

§ 87(2)(b) recounted that, at the conclusion of the incident, he crossed to the north side of 8th Street to approach the officers, who were standing in front of the loading dock. When § 87(2)(b) stood about four feet away from PO Marsar, he asked the officers, "Are you guys fucking kidding me? Are you not going to let me charge this guy?" in regard to his complaint against the individual who had struck him. After that, PO Marsar took three steps towards § 87(2)(b) and poked him four times above his collarbone with his index and middle fingers.

PO Marsar denied that he poked § 87(2)(b). He recounted that he explained to § 87(2)(b) why he could not press criminal charges. § 87(2)(b) then began screaming at the officers and used various profanities, and walked towards PO Marsar so that he stood about six inches away from him and attempted to "swing" at him. PO Marsar verbally instructed § 87(2)(b) to step back multiple times, but § 87(2)(b) did not step back. PO Marsar placed an open palm on § 87(2)(b)'s shoulder and pushed him back an arm's length in order to create distance between them.

PO Doyle similarly recounted that § 87(2)(b) moved within a few inches of PO Marsar's face, and that PO Marsar put his hand on § 87(2)(b)'s shoulder to move him backward. PO Doyle denied that PO Marsar poked § 87(2)(b). PO White could not recall whether any officer pushed § 87(2)(b) or whether § 87(2)(b) made physical contact with any officer.

The surveillance footage depicts § 87(2)(b)'s final interaction with officers, beginning at approximately 2:13:40 (BR01). § 87(2)(b) ends the interaction and walks away at approximately 2:21:24. PO Murray leaves the interaction at approximately 2:14:40, and PO Marsar joins at approximately 2:15:40. The camera's view is obstructed by scaffolding, such that § 87(2)(b) is almost completely obscured from view for large segments of the interaction. The interaction also takes place in the distance of the camera's field of view, and the picture quality is not high. As a

result, it is not clear in the video whether PO Marsar repeatedly poked § 87(2)(b) or made any form of physical contact with him.

§ 87(2)(g)

Allegation (F) Abuse of Authority: Police Officer Zachary Marsar threatened to arrest § 87(2)(b).

Allegation (G) Abuse of Authority: An officer threatened to arrest § 87(2)(b).

It is undisputed that § 87(2)(b) made a threatening remark to at least one officer.

§ 87(2)(b) recounted that he told PO Marsar, “If you fucking poke me again, I’ll break you.” PO Marsar replied in sum and substance, “You just threatened me, I’ll arrest you.” Another officer then asked § 87(2)(b) whether he had just threatened an officer, and told him that he could be arrested for that. The officer told him, “You better be careful, or else we’ll arrest you.” § 87(2)(b) could not specify which officer, in addition to PO Marsar, allegedly threatened to arrest him, and could not provide any additional information to aid the investigation in identifying that officer.

PO Marsar, PO Doyle, and PO White all recounted that § 87(2)(b) made a comment about harming an officer, but recalled variations of his phrasing. PO Marsar recalled that § 87(2)(b) said that he would “lay him on the ground,” while PO Doyle and PO White both stated that § 87(2)(b) said, “I’ll fucking drop you.”

PO Marsar denied that he threatened to arrest § 87(2)(b). He recounted that PO Murray told § 87(2)(b) that he could be arrested for threatening PO Marsar. PO Doyle did not recall any officer mentioning the prospect of arrest to § 87(2)(b) while PO White could not recall if any officer responded to § 87(2)(b)’s verbal threat. As noted above, the investigation could not obtain a statement from PO Murray.

§ 87(2)(g)

§ 87(2)(g)

Allegation (H) Discourtesy: Police Officer Zachary Marsar spoke discourteously to § 87(2)(b).

Allegation (I) Discourtesy: Officers spoke discourteously to § 87(2)(b).

§ 87(2)(b) further stated that at some point during the interaction, PO Marsar called him a “fucking asshole,” but then clarified that he was unsure of the exact phrase PO Marsar used. PO Marsar used some iteration of the word “fuck,” but § 87(2)(b) could not recall whether PO Marsar used some iteration of the word “ass.” Different officers used the word “fuck” in some context between six and eight times, but § 87(2)(b) was unable to identify which officers made these statements.

PO Marsar, PO Doyle, and PO White each denied that they used profanities when speaking to § 87(2)(b).

§ 87(2)(b) They specifically denied using any variation of the word “fuck,” and PO Marsar also denied using any variation of the word “ass.” PO Marsar, PO Doyle, and PO White also denied that any other officer used profanities with § 87(2)(b) throughout the entirety of the interaction.

§ 87(2)(g) [REDACTED]

§ 87(4-b), § 87(2)(g) [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Civilian and Officer CCRB Histories

- This is the first complaint to which § 87(2)(b) has been a party (BR08).
- PO Zachary Marsar has been a member-of-service for four years, and has been a subject in one CCRB complaint and one allegation which was not substantiated. § 87(2)(g) [REDACTED]
- PO Thomas Doyle has been a member-of-service for two years, and has been a subject in one CCRB complaint and one allegation which was not substantiated. § 87(2)(g) [REDACTED]
- PO Ryan White has been a member-of-service for eight years, and has been a subject in one CCRB complaint and one allegation which was not substantiated. § 87(2)(g) [REDACTED]

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- As of February 20, 2020, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regard to this incident (BR09).
- According to the Office of the Court Administration, § 87(2)(b) has no history of convictions in New York City (BR10).

Squad No.: 5

Investigator: DG IM Giansante for Inv. Tasnim April 29, 2020
Signature Print Title & Name Date

Squad Leader: Daniel Giansante IM Daniel Giansante April 29, 2020
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date